

### REMARKS

Applicant respectfully requests entry of this amendment because the amendments put the case in condition for allowance, and do not raise issues that were not previously addressed.

Claims 1, and 3-22 remain pending after entry of this amendment. Claims 1, 12, 19, and 21 were amended herein. The amendments do not add new matter, support for the amendments to claims 1, 12, 19, and 21 can be found at least at page 28, lines 1-4.

Claims 12-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wardle (U.S. Patent No. 6,432,039). Applicant respectfully traverses this rejection.

Claims 1, 12, 19, 21, and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ideker (U.S. Patent No. 4,827,932). Applicant respectfully traverses this rejection.

Claims 1, and 3-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rosenberg (U.S. Patent No. 5,713,954). Applicant respectfully traverses this rejection.

#### Wardle

Claims 12-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wardle (U.S. Patent No. 6,432,039). Claim 12 has been amended to specify that the material is elastic. The device of Wardle '039 is not elastic. Furthermore, the device of Wardle '039 does not carry the delivery device on the jacket. Therefore, Wardle '039 does not disclose a device with all of the elements of claim 12. Based at least on the amendment of claim 12 above, and the comments offered herein, Applicant respectfully requests that this rejection be withdrawn.

#### Ideker

Claims 1, 12, 19, 21, and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ideker (U.S. Patent No. 4,827,932). The Examiner seems to assert that Ideker '932 includes a delivery source. Applicant notes that the Examiner points to reference numeral 36f. Applicant requests clarification because there is no reference numeral 36f in Ideker '932 or the pending application. Applicant respectfully disagrees with a characterization of Ideker. The Examiner points to column 6, lines 10-20, and 30-35. This section of the specification talks about the bioadhesive that attaches the insulative border mesh 33 onto the patch electrode 15 (see Fig. 2A). Arguably, the material that adheres these two structures together may not even be in contact with

the heart. Furthermore, there is no mention in Ideker '932 that this adhesive has any other function besides attaching the insulative border mesh 33 onto the patch electrode 15.

Ideker '932 also does not disclose a jacket, as is recited in the claims. The structure of Ideker '932 includes patches that are placed on the heart. Nothing in Ideker '932 discloses or suggests that the electrodes could be extended to cover the entire heart. Because Ideker '932 does not recite at least a delivery source or a jacket, it does not disclose all of the elements of the pending claims, and therefore does not anticipate the pending claims. Applicant therefore respectfully requests that this rejection be withdrawn.

### Rosenberg

Claims 1, and 3-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rosenberg (U.S. Patent No. 5,713,954). The Examiner asserts that Rosenberg '954 teaches a delivery source. Applicant respectfully disagrees with this characterization of Rosenberg '954. Applicant assumes that the Examiner is looking to Figure 10 for the delivery source. The reservoir 21 in Figure 10 contains hydraulic fluid that is pumped into the artificial myocardium 11 by the hydraulic pump 19. The fluid contained in the reservoir 21 is neither therapeutic nor delivered to the heart, it is contained within the artificial myocardium 11.

At least because the device of Rosenberg '954 has no delivery source, it fails to disclose all of the elements of the claimed invention and therefore does not anticipate the pending claims. Applicant therefore respectfully requests that this rejection be withdrawn.

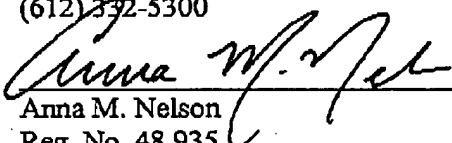
Conclusions

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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